

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE INC.,

Plaintiff,

Case No. C23-1143-MLP

V.

ORDER

JOSHUA FISHER, *et al.*,

Defendants.

This matter is before the Court on Plaintiff Bungie, Inc.’s *Ex Parte* Motion for an extension of the Service Deadline Under Rule 4(m). (Mot. (dkt. # 55).) This Court has previously granted Plaintiff’s motions to expedite discovery (dkt. ## 27, 33, 50), and has also granted extensions to serve Defendants under Rule 4(m). (Dkt. ## 27, 30.) Plaintiff now states that Plaintiff is still awaiting productions responsive to expedited discovery, identifying unknown defendants, and serving Defendants with known contact information. (Mot. at 3.) Plaintiff also states that another motion for third-party discovery will likely be necessary for Plaintiff to identify remaining Defendants. (*Id.*) Accordingly, Plaintiff requests an additional 90 days to serve remaining Defendants. (*Id.*)

1 Moreover, Plaintiff indicates that the responsive third-party discovery shows many of the
2 remaining defendants “are domiciled abroad.” (Mot. at 4.) Under Federal Rule of Civil
3 Procedure 4(m), the requirement to serve a defendant within 90 days of filing a complaint does
4 not apply to defendants located outside of the United States. Fed. R. Civ. P. 4(m).

5 Federal Rule of Civil Procedure 4(m) provides that the Court—on motion or on its own
6 after notice to plaintiff—must dismiss an action without prejudice against a defendant, or order
7 that service be made within a specified time, if the defendant is not served within 90 days after
8 the Complaint is filed. However, if plaintiff shows good cause for the failure, the Court must
9 extend the time for service for an appropriate period. *See Fed. R. Civ. P. 4(m); Efaw v. Williams*,
10 473 F.3d 1038, 1041 (9th Cir. 2007) (“District courts have broad discretion to extend time for
11 service under Rule 4(m).”).

12 The Court finds good cause to grant an extension to serve the remaining Defendants
13 based on Plaintiff’s continued investigation efforts, outstanding third-party discovery, and the
14 likelihood that some remaining Defendants are located internationally. Accordingly, it is hereby
15 ORDERED that Plaintiff’s *Ex Parte* Motion for an Extension of the Service Deadline Under
16 Rule 4(m) (dkt. # 55) is GRANTED. The deadline for Plaintiff to serve Defendants is extended
17 to **September 25, 2024**.

18 Dated this 25th day of June, 2024.

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21 MICHELLE L. PETERSON
22 United States Magistrate Judge
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